

FROMMER LAWRENCE & HAUG LLP

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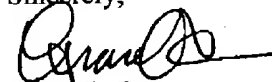
To: Examiner Regina M. DeBerry (Art Unit 1647)
Firm: United States Patent and Trademark Office
Facsimile: (703) 305-7230
From: Grace L. Pan
Date: February 9, 2004
Re: Applicant : Douglas T. DIETERICH
Serial No. : 09/862,404
Filed : May 21, 2001
Title : Method of Treating Anemia caused by Ribavirin
Treatment of Hepatitis C using Erythropoietin Alpha
FLH Ref. No.: 144002-2001
Number of Pages: 22
(including cover page)

If you do not receive all pages or are unable to read the transmission, please call.

Dear Examiner DeBerry:

Further to our telephonic interview, attached is a fax copy of the Amendment After Final with a Petition for an Extension of Time and a Request for an Interview ("Amendment"). The original Amendment with check no. 030426 in the amount of US\$ 55.00 to cover the one-month extension fee are being sent to you via Express Mail # EV286858054US today.

Sincerely,



Grace L. Pan

Registration No. 39,440

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Serial No. 09862,404 File No. 144002-2001 By QLP
 Title in the Matter of the Application of Method of Treating Anemia et al.
 Applicant(s)/Inventor(s) Douglas G. Dieterich
 The following due _____ in the U.S. Patent Office, was received in the Patent Office

<input type="checkbox"/> Affidavit	<input type="checkbox"/> Declaration	<input type="checkbox"/> Express Mail Mailing Label # <u>EV286858054US</u>
<input checked="" type="checkbox"/> Amendment (Facsimile)	<input type="checkbox"/> (separate sheet)	<input checked="" type="checkbox"/> Check No. <u>030426</u> for \$ <u>55.00</u>
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Deposit Account Order Form	<input type="checkbox"/> Drawing _____ Sheet(s)
<input type="checkbox"/> Amendment After Final Rejection	<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> PTO Form 1449
<input type="checkbox"/> Request for Extension of Time	<input type="checkbox"/> Issue Fee/Publication Fee Transmittal	<input type="checkbox"/> Appeal Brief (triplicate)
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<input type="checkbox"/> Application for Patent, including _____ Pages Specification _____ Claims _____ Abstract	<input type="checkbox"/> Including _____ Specimens	<input type="checkbox"/> Status Request
<input type="checkbox"/> Declaration <input type="checkbox"/> Oath <input type="checkbox"/> Power	<input type="checkbox"/> Notice of Appeal (triplicate)	<input type="checkbox"/> Petition
<input type="checkbox"/> Request for Filing Continuation or Divisional Application _____ sheets	<input type="checkbox"/> Response	<input type="checkbox"/> Priority Document
<input type="checkbox"/> PCT Request _____ sheets, including	<input type="checkbox"/> Statement of Use	<input type="checkbox"/> Response to Examiner's Statement
<input type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Search Report	<input type="checkbox"/> Response to Notice to File Missing Parts
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IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

FROMMER LAWRENCE & HAUG LLP

APPLICANT: <u>DIETERICH</u>		FI & H DOCKET NO.: <u>14402-2001</u>
SERIAL NO. <u>09/862464</u>		
TITLE: <u>METHOD OF TREATING ANEMIA</u> CLASSIFIED BY <u>CLARENCE TRENTMAN</u>		
<input type="checkbox"/> APPEAL BRIEF	<input type="checkbox"/> PETITION FEE	
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FEB 09 2004

OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Douglas T. DIETERICH
Serial No. : 09/862,404
Filed : May 21, 2001
Title : **METHOD OF TREATING ANEMIA CAUSED BY
RIBAVIRIN TREATMENT OF HEPATITIS C USING
ERYTHROPOIETIN ALPHA**
Examiner : Regina M. DeBerry
Art Unit : 1647
Confirmation No. : 8918

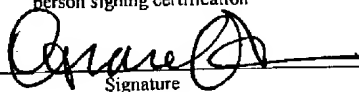
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EXPEDITED PROCEURE
RESPONSE FILED UNDER 37 C.F.R. §1.116

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I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Grace L. Pan, Registration No. 39,440

Type or print name of
person signing certification


Signature

February 9, 2004

Date of Signature

**AMENDMENT AFTER FINAL WITH A PETITION
FOR AN EXTENSION OF TIME AND A REQUEST FOR AN INTERVIEW**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Final Office Action mailed on October 7, 2003 setting a
three-month term for reply. The Applicant respectfully requests a one-month extension of time

PATENT
144002-2001

to respond to this Office Action, making this Response due on February 9, 2004 (since February 7 is a Saturday).

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. §1.136(a), Applicant respectfully requests a one-month extension of the period to reply to the October 7, 2003 Office Action, *i.e.*, up to and including February 9, 2004 (since February 7, 2004 is a Saturday) is requested. Enclosed is check No. 030426 for the \$55.00 small entity fee under §1.17(a). The Commissioner is hereby authorized to charge any additionally required fee or credit any additional payment to Deposit Account No. 50-0320.